

Roohani, Elham (USANV)

From: Benjamin Durham <bdurham@vegasdefense.com>
Sent: Thursday, October 13, 2016 4:40 PM
To: Roohani, Elham (USANV)
Subject: Re: Jan Rouven - Alibi Demand

We aren't going to claim alibi. Sorry been crazy day. Go spend time with your hubby!

Benjamin Durham Law Firm
601 S. 10th St.
Las Vegas, NV 89101
702.631.6111

Sent via iPhone

On Oct 13, 2016, at 4:32 PM, Roohani, Elham (USANV) <Elham.Roohani@usdoj.gov> wrote:

Any word on this? As much as I like living in my office 18 hours a day, I'd like to see my husband tonight so I need to draft the motion before I leave. Thanks!

From: Benjamin Durham [<mailto:bdurham@vegasdefense.com>]
Sent: Wednesday, October 12, 2016 9:34 PM
To: Roohani, Elham (USANV) <ERoohani@usa.doj.gov>
Subject: Fwd: Jan Rouven - Alibi Demand

Ellie,

Thanks for forwarding those emails. I don't believe that the initial requests satisfied Rule 12.1, which states that the government's request "must state the time, date, and place of the alleged offense." Your most recent email obviously satisfies the Rule 12.1 requirement. As of now, we do not anticipate presenting alibi evidence or witnesses. But to be sure, I would ask that you allow me until tomorrow to confer with Mr. Rouven about the dates and times. I know your motions are due on Friday and I will do my best to let you know as soon as possible. Thanks.

Ben

On Tue, Oct 11, 2016 at 12:41 PM, Roohani, Elham (USANV) <Elham.Roohani@usdoj.gov> wrote:

Dear Jess and Ben,

I have forwarded the May 13 and 31, 2016 demands for alibi notice to you separately from this email. On those dates, the Government made formal demands for notice of an alibi defense under Fed. R. Crim. P. 12.1.

Under the commentary to Rule 12.1, the Government's demand triggered the Defendant's duty to inform the Government of his intention to rely upon the defense of alibi. To date, no response has been received. Once the Government receives a response, then the Government must advise the defendant of the specific time, date, and place at which the offense is alleged to have been committed. Assuming your indication before Calendar Call is sufficient to provide the Government with notice, the Government notifies you that the specific time, date, and place at which the offense is alleged to have been committed is:

- August 16, 2015 at 12:31 a.m. and from 12:17 p.m. to 12:21 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 19, 2015 at 4:29 a.m. to 6:46 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 21, 2015 from 1:21 p.m. to 1:22 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 23, 2015 from 3:45 a.m. to 8:38 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 23, 2015 from 12:13 p.m. to 12:15 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 26, 2015 from 2:34 p.m. to 3:16 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 27, 2015 from 2:06 a.m. to 3:38 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 27, 2015 from 12:05 p.m. to 12:06 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 28, 2015 at 2:35 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 28, 2015 from 5:02 a.m. to 12:01 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 29, 2015 from 3:08 a.m. to 9:38 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 29, 2015 from 2:57 p.m. to 3:54 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 30, 2015 from 2:23 a.m. to 12:00 p.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.
- August 31, 2015 from 1:00 a.m. to 9:56 a.m. at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.

- September 14, 2015 from 6:38 a.m. to 7:30 am at 7080 Donald Nelson Avenue, Las Vegas, Nevada 89131.

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